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# PARTITION AND SUBDIVISION ORDINANCE

# CITY OF ELGIN

# OREGON

JUNE 14, 1977

ORDINANCE 5, SERIES 1977

TABLE OF CONTENTS


| | | Page |
|---|---|---|
| Section 1: | Title | 1 |
| Section 2: | Purpose | 1 |
| Section 3: | Approval of Subdivisions and Partitions | 1 |
| Section 4: | Definitions | 1 |
| Section 5: | Scope of Regulations. | 4 |
| Section 6: | Submission of Tentative Plan. | 5 |
| Section 7: | Scale | 5 |
| Section 8: | General Information | 5 |
| Section 9: | Existing Conditions | 5 |
| Section 10: | Proposed Design | 6 |
| Section 11: | Partial Development | 6 |
| Section 12: | Explanatory Information with Tentative Plan | 6 |
| Section 13: | Preliminary Review of Proposal. | 6 |
| Section 14: | Consideration of the Tentative Plan | 7 |
| Section 15: | Submission of the Final Plat. | 7 |
| Section 16: | Information on Final Plat | 7 |
| Section 17: | Supplemental Information with Final Plat. | 9 |
| Section 18: | Technical Review. | 9 |
| Section 19: | Approval of the Final Plat. | 10 |
| Section 20: | Agreement for Improvements. | 10 |
| Section 21: | Bond. | 10 |
| Section 22: | Filing of Final Plat. | 11 |
| Section 23: | Partition Procedure | 11 |
| Section 24: | Creation of Streets not within a Subdivision. | 11 |
| Section 25: | Creation of Ways. | 12 |
| Section 26: | Principles of Acceptability | 12 |
| Section 27: | Streets | 12 |
| Section 28: | Blocks. | 14 |
| Section 29: | Lots. | 15 |
| Section 30: | Building Lines. | 15 |
| Section 31: | Improvement Procedures. | 15 |
| Section 32: | Improvement Requirements. | 16 |
| Section 33: | Exceptions in Case of Large-Scale Development | 17 |
| Section 34: | Modification Application. | 17 |
| Section 35: | City Council Action on Modifications. | 17 |
| Section 36: | Appeal. | 18 |
| Section 37: | Amendments. | 18 |
| Section 38: | Hearings. | 18 |
| Section 39: | Fees. | 18 |
| Section 40: | Interpretation of Ordinance Provisions. | 18 |
| Section 41: | Validity. | 18 |
| Section 42: | Penalties for Violation | 18 |
| RESOLUTION. | | 19 |

ORDINANCE NUMBER 5-77

AN ORDINANCE ESTABLISHING SUBDIVISION AND PARTITION REGULATIONS FOR THE CITY OF ELGIN, OREGON

THE CITY OF ELGIN, OREGON, ORDAINS as follows:

Section 1: TITLE. This ordinance shall be known as the Subdivision and Partition Ordinance of the City of Elgin, Oregon.

Section 2: PURPOSE. The purpose of this ordinance is to allow for the orderly and economic development of land under the jurisdiction of the City of Elgin, Oregon. The ordinance provides rules, regulations, and standards to govern the approval of subdivisions, and partitions. The ordinance is intended to insure adequate provision for traffic movement, light and air, water supply, sewerage, drainage, and community facilities, and in general to protect the public health, safety and welfare.

Section 3: APPROVAL OF SUBDIVISIONS AND PARTITIONS. All subdivisions, partitions, and streets or ways created for the purpose of partitioning land shall be approved by the City Council in accordance with these regulations. A person desiring to subdivide land, partition land or create a street or way for the purpose of partitioning, shall submit tentative plans and final documents for approval as provided in this ordinance and in the State law.

SECTION 4: DEFINITIONS.

1. Building. A structure built for the support, shelter, or enclosure of persons, animals, chattels, or property of any kind.

2. Building Line. A line on a plat indicating the limit beyond which buildings or structures may not be erected.

3. City. City of Elgin, Oregon, or that person authorized by the Council to act on behalf of the City.

4. Council. Elgin City Council.

5. Comprehensive Plan. Any plan or plans adopted by the City Council for the guidance of growth and improvement of the City. Such plan(s) may include land use, transportation, public facilities and services, and similar elements, any of which may be adjusted from time to time to meet changing conditions or unanticipated problems and conditions affecting the public or land owners.

6. Easement. A grant of the right to use a strip of land for specific purposes.

7. Frontage. All the property abutting a street.

8. Lot. A unit of land that is created by a subdivision of land.

9. Lot, double frontage. A lot having frontage on two parallel or approximately parallel streets other than alleys.

10. Major Partition. A partition creating two or three parcels, and which includes the creation of a road or street, i.e., utilization of a means of access not previously approved for partitioning or subdividing.

11. Map. A final diagram, drawing or other writing concerning a partition of land.

12. Minor partition. A partition creating two or three parcels, which does not include the creation of a road or street, or utilization of a means of access not previously approved for partitioning or subdividing.

13. No access strip. A narrow strip of land adjacent to a right-of-way dedicated to exclude vehicular ingress or egress from the right of way. Also called a reserve strip.

14. Parcel. A unit of land that is created by a partitioning of land.

15. Partition Land. To divide an area or tract of land into two or three parcels within a calendar year when such area or tract of land exists as a unit or contiguous units of land under single ownership at the beginning of such year. Partition land does not include divisions of land resulting from lien foreclosures; divisions of land resulting from the creation of cemetery lots; and divisions of land made pursuant to a court order, including but not limited to court orders in proceedings involving testate or intestate succession; and partition land does not include any adjustment of a lot line by the relocation of a common boundary where an additional parcel is not created and where the existing parcel reduced in size by the adjustment is not reduced below the minimum lot size established by any applicable zoning ordinance.

16. Partitioner. Any person commencing proceedings under this ordinance to effect a partition of land hereunder for himself or for another.

17. Pedestrian Way. A dedicated right-of-way or easement for pedestrian traffic.

18. Person. Every natural person, firm, partnership, association, or corporation.

19. Planning Official. The Council or that official designated by the City Council to administer this ordinance.

20. Plat. A final map, diagram, drawing, replat or other writing containing all the descriptions, locations, specifications, dedications, provisions and information concerning a subdivision.

21. Right-of-Way. The area between boundary lines of a street or other easement.

22. Roadway. The portion or portions of street rights-of-way developed for vehicular traffic.

23. Sidewalk. A pedestrian walkway with permanent surfacing.

24. Street. A public or private way which is used or intended to provide ingress or egress for persons to one or more lots, parcels, areas or tracts of land, excluding a private way that is created to provide ingress or egress to such land in conjunction with forestry, mining or agricultural uses.

    a. Alley. A narrow street through a block primarily for vehicular service access to the back or side of properties otherwise abutting on another street.

    b. Arterial. A street which is used primarily for through traffic or which, by its location, will likely be needed for such use in the normal growth of the area.

    c. Collector. A street supplementary to the arterial street system used to some extent for through traffic and to some extent for access to abutting properties.

    d. Cul-de-sac (dead-end street). A street having one end open to traffic and being terminated by a turn-around.

    e. Half-street. A portion of the width of a street, usually along the edge of a subdivision where the remaining portion of the street has been or could later be provided in another subdivision.

    f. Marginal access. A cul-de-sac street, driveway, land or frontage road, generally providing access to a limited number of abutting lots.

    g. Minor street. A street used primarily for access to abutting lots, and having greater anticipated traffic demands than marginal access streets.

25. Subdivider. Any person commencing proceedings under this ordinance to effect a subdivision of land hereunder for himself or for another.

26. Subdivide Land. To divide an area or tract of land into four or more lots within a calendar year when such area or tract of land exists as a unit or contiguous units of land under a single ownership at the beginning of such year.

27. Subdivision. Either an act of subdividing land or a tract of land subdivided as defined in this ordinance.

28. Tentative Plan. That drawing and related material submitted as a preliminary plat by a subdivider.

Section 5: SCOPE OF REGULATIONS.

1. This ordinance shall only be applicable to creation of all new lots and parcels, and shall not have application to lots created by previously recorded subdivisions.

2. Major and minor partitioning, subdivision plats, and streets or ways created for the purpose of partitioning land shall be approved by the City in accordance with these regulations.

3. No person shall subdivide or partition land within the city limits except as provided in this ordinance. All partitions and subdivision plats and all streets and ways utilized for the purpose of creating lots or parcels are required to be approved in accordance with these regulations prior to the sale of any such lot or parcel. All changes in property boundary lines shall be in accordance with these regulations.

   A person desiring to subdivide or partition land within the incorporated area of the City shall submit tentative plans and final documents for approval as provided in this ordinance and the State law.

4. Recording of a lot or parcel. No lot or parcel created by subdividing or by major or minor partitioning shall be submitted for recording nor have any validity unless it has been approved as required by this ordinance.

5. No person shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot in any subdivision with respect to which approval is required by this ordinance.

   A person may offer or negotiate to sell any parcel in a major partition or in a minor partition with respect to which approval of a tentative plan is required by this ordinance, prior to the approval of the tentative plan for major or minor partition, but no person may dispose of, transfer, sell, or agree to sell any parcel in a major partition or in a minor partition for which approval of a tentative plan is required by this ordinance.

   No person shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot in a subdivision until the plat of the subdivision has been acknowledged and recorded with the recording officer of the County.

   No person shall dispose of, transfer, sell or agree, offer or negotiate to sell any lot in any subdivision by reference to or exhibition or other use of a plat of such subdivision before the plat for such subdivision has been so recorded.

6. Permits. No building permit, or permit for the connection to a water or a sewage disposal system shall be issued for any structure on a parcel or lot in a partition or subdivision for which a plan or plat has not been approved and recorded in a manner prescribed herein.

7. The City will withhold all public improvements, including maintenance of streets and roads, from a partition or subdivision which has not been approved and recorded in the manner prescribed herein.

## SUBDIVISION: TENTATIVE PLANS

Section 6: SUBMISSION OF TENTATIVE PLAN. The subdivider or owner shall prepare a Tentative Plan, together with improvement plans and other supplementary material as specified in this ordinance. The subdivider shall submit five (5) copies of the Tentative Plan to the City Recorder's Office at least ten (10) days prior to the City Council meeting at which the plat will be considered.

Section 7: SCALE. The Tentative Plan shall be drawn on a sheet 18 x 24 inches in size or a multiple thereof at a scale of one inch equals 100 feet or, for areas over 100 acres, one inch equals 200 feet.

Section 8: GENERAL INFORMATION. The following general information shall be shown on the Tentative Plan.

1. Proposed name of the subdivision. This name must not duplicate nor resemble the name of another subdivision in the County and shall be approved by the City Council.

2. Date, northpoint, and scale of drawing.

3. Appropriate identification clearly stating the map is a Tentative Plan.

4. Description sufficient to define the location and boundaries of the proposed subdivision.

5. Names and addresses of the owner, subdivider, and engineer or surveyor.

Section 9: EXISTING CONDITIONS. The following existing conditions shall be shown on the Tentative Plan:

1. The location, width, and names of all existing or platted streets within or adjacent to the tract, together with easements and other important features, such as section lines and corners, City boundary lines, and monuments.

2. Contour lines shall be tied to a survey bench mark, approved by the City and shall have contour intervals of a minimum of

two feet for slopes up to 10% and five feet for slopes over 10%.

3. The location within the subdivision and in the adjoining streets and property of existing sewers, water mains, culverts, drain pipes, and electric lines proposed to service the property to be subdivided.

4. Zoning within and adjacent to the tract.

Section 10: PROPOSED DESIGN. The following information shall be included on the Tentative Plan:

1. The location, width, name and approximate grade of all streets. The relationship of all streets to any projected streets as shown on any related plan adopted by the City Council, or, if no such plan has been adopted, as may be suggested by the City Council in order to assure adequate traffic circulation.

2. The location and purpose of easements.

3. The location, approximate dimensions, and proposed lot numbers of all lots and block numbers or letters of all blocks.

Section 11: PARTIAL DEVELOPMENT. Where the plat to be subdivided contains only part of the tract owned or controlled by the subdivider, the City Council may require a sketch of a tentative layout for streets in the unsubdivided portion.

Section 12: EXPLANATORY INFORMATION WITH TENTATIVE PLAN. The following information shall be submitted in separate statements accompanying the Tentative Plan or, if practicable, shall be shown on the Tentative Plan:

1. A vicinity map, showing existing subdivisions, streets, and unsubdivided land ownerships adjacent to the proposed subdivision and showing how proposed streets may be extended to connect the existing streets.

2. Proposed deed restrictions, if any, in outline form.

3. Improvements to be made by the developer and the approximate time such improvements are to be completed. Sufficient detail regarding proposed improvements shall be submitted so that they may be checked for compliance with City-approved standards, and with the objectives of this ordinance, State laws, and other applicable City ordinances. If the nature of the improvements is such that it is impractical to prepare all necessary details prior to the approval of the Tentative Plan, the additional details shall be submitted at least thirty (30) days prior to the time approval of the final plat is requested.

Section 13: PRELIMINARY REVIEW OF PROPOSAL. Within ten (10) days

after being submitted by the subdivider, the City Recorder shall furnish one copy of the Tentative Plan and supplemental material to each local, State or Federal official or agency that may have an interest or responsibility in the proposal. These agencies will be given at least twenty (20) days to review the plan, suggest revisions, and return the plans to the City.

Section 14: CONSIDERATION OF THE TENTATIVE PLAN. Within thirty (30) days from the first regular City Council meeting following submission of the proposed plat, the City Council shall review the plan and the reports of the officials and agencies listed above. The City Council may approve the Tentative Plan as submitted or as it may be modified. If the City Council does not approve the plat, it shall express its disapproval and its reasons therefore. Approval of the Tentative Plan shall subsequently result in approval of the Final Plat provided there is no change in the plan of the subdivision and provided the subdivider completes necessary improvements, and complies with the requirements of this ordinance. The action of the City Council shall be noted on two copies of the Tentative Plan, including reference to any attached documents describing conditions imposed by the Council. The City Council shall return one copy to the subdivider and retain the other.

## SUBDIVISION: FINAL PLAT

Section 15: SUBMISSION OF THE FINAL PLAT. Within one (1) year after approval of the Tentative Plan, the subdivider shall cause the subdivision or any part thereof to be surveyed and a Final Plat prepared in conformance with the Tentative Plan as approved. Upon completion of improvement requirements, the subdivider shall submit the original and five prints of the Final Plat, and any supplementary information to the City Recorder. If the subdivider wishes to proceed with the subdivision after the expiration of the one-year period following the approval of the Tentative Plan by the City Council, he must resubmit his Tentative Plan to the City Council and make any revisions which the Council considers necessary to meet changed conditions.

Section 16: INFORMATION ON FINAL PLAT. In addition to that otherwise specified by the law, the following information shall be shown on the Final Plat:

1. The date, scale, northpoint, legend, and controlling topography such as creeks and highways.

2. Legal description of the tract boundaries.

3. Names and addresses of the owner, subdivider, and engineer or surveyor.

4. Reference points of existing surveys identified, related to the plat by distances and bearings, and referenced to a field book or map as follows:

a. Stakes, monuments, or other evidence found on the ground and used to determine the boundaries of the subdivision.
b. Adjoining corners of abutting subdivisions.
c. Other monuments found or established in making the survey of the subdivision or required to be installed by provisions of this ordinance.

5. The exact location and width of streets and easements intersecting the boundary of the tract.

6. Lines with dimensions, bearings or deflection angles, radii, arcs, points of curvature, and tangent bearings for tract, lot, and block boundaries, and street right-of-way and center lines. Tract boundaries and street bearings shall be shown to the nearest ten (10) seconds with basis of bearings. All distances shall be shown to the nearest 0.01 feet. No ditto marks shall be used.

7. The width of the portion of streets being dedicated, the width of any existing right-of-way, and the width on each side of the center line. For streets on curvature, curve data shall be based on the street center line, and in addition to the center-line dimensions, the radius and central angle shall be indicated.

8. Easements denoted by fine dotted lines, clearly identified and, if already of record, the recorded reference. If an easement is not definitely located of record, a statement of the easement. The width of the easement, its length and bearing, and sufficient ties to locate the easement with respect to the subdivision must be shown. If the easement is being dedicated by the map, it shall be properly referenced in the owner's certificates of dedication.

9. Lot numbers beginning with the number "1" and numbered consecutively in each block.

10. Block letters beginning with the letter "A" and continuing consecutively without omission or duplication throughout the subdivision. The letters shall be solid, of sufficient size and thickness to stand out, and so placed as not to obliterate any figure. Block letters in an addition to a subdivision of the same name shall be a continuation of the lettering in the original subdivision.

11. Land parcels to be dedicated for any purpose, public or private, as distinguished from lots intended for sale.

12. Building setback lines, if any, are to be made a part of the subdivision restrictions.

13. The following certificates, which may be combined where appropriate:

a. A certificate signed and acknowledged by all parties having any record title interest in the land, consenting to the preparation and recording of the plat.
b. A certificate signed and acknowledged as above, dedicating all parcels of land shown on the final map as intended for any public use, except those parcels which are intended for the exclusive use of the lot owners in the subdivision, their licensees, visitors, tenants, and servants.
c. A certificate signed by the engineer or surveyor responsible for the survey and final map. The seal and signature of the engineer or surveyor.
d. All other certifications now or hereafter required by law.

Section 17: SUPPLEMENTAL INFORMATION WITH FINAL PLAT. The following shall accompany the Final Plat:

1. A preliminary title report issued by a title insurance company in the name of the owner of the land, showing all parties whose consent is necessary and their interest in the premises.

2. Sheets and drawings showing the following:

   a. Traverse data including the coordinates of the boundary of the subdivision and showing the error of closure, if any.
   b. The computation of all distances, angles, and courses shown on the final map.
   c. Ties to existing monuments, proposed monuments, adjacent subdivisions and street corners.

3. A copy of any deed restrictions applicable to the subdivision.

4. A certificate by the City Recorder certifying that the subdivider has complied with one of the following alternatives:

   a. All improvements have been installed in accordance with these regulations and those conditions required by the City Council in giving approval to the Tentative Plan.
   b. An agreement has been executed and a performance bond (or cash), posted as provided in Sections 20 and 21 to assure completion of all required improvements.

Section 18: TECHNICAL REVIEW. Upon receipt by the City, the final map and other data shall be reviewed by the City Council at their earliest convenience, to determine whether the subdivision as shown is substantially the same as it appeared on the approved Tentative Plan and that there has been compliance with provisions of the State law and of this ordinance. The City may make such checks in the field as are necessary to verify that the map is correct, and City representatives may enter the property for this purpose. Certification of a County Surveyor shall be used to determine that the map and survey are technically correct.

Section 19: APPROVAL OF THE FINAL PLAT. The City Council shall approve the plat if it determines that the plat conforms to all requirements of State law and Tentative Plan approval, and that the supplementary documents and provisions for required improvements are satisfactory. If the City Council does not approve the plat, it shall advise the subdivider of the changes or additions that must be made and shall afford him an opportunity to make the necessary changes. Approval shall be indicated by signature of the Mayor.

Section 20: AGREEMENT FOR IMPROVEMENTS. Before City Council approval is certified on the Final Plat the subdivider shall either install required improvements and repair existing streets and other public facilities damaged in the development of the subdivision, or post a bond or cash and execute and file with the City Recorder an agreement between himself and the City, specifying the period within which required improvements and repairs shall be completed. Such agreement shall provide that, if the work is not completed within the period specified, the City may complete the work and recover the full cost and expense from the subdivider. The maximum time to complete improvements shall be one year. The agreement shall also provide for reimbursement to the City for the cost of inspection by the City, which shall not exceed ten percent (10%) of the cost of the improvements to be installed. If improvements are to be phased, minimum units will be one block of street frontage.

Section 21: BOND.

1. The subdivider shall file with the agreement, to assure his full and faithful performance thereof, one of the following:

   a. A surety bond executed by a surety company authorized to transact business in the State of Oregon, in a form approved by the City Attorney.

   b. An agreement, duly signed and executed by the subdivider, assigning his account in a legal savings institution in the State of Oregon to the City of Elgin.

   c. Cash.

2. Such assurance of full and faithful performance shall be for a sum determined by the City as at least 25% greater than the estimate to cover actual cost of the improvements and repairs, including related engineering and incidental expenses, and to cover the cost of City inspection. The performance bond shall guarantee the improvement to be free of defects for one year after written acceptance by the City. Release of the bond shall not be made until one year following completion of the improvements.

3. If the subdivider fails to carry out provisions of the agreement and the City has unreimbursed costs or expenses resulting

from such failure, the City shall call the bond or cash deposit for reimbursement. If the amount of the bond or cash deposit is less than the cost and expense incurred by the City, the subdivider shall be liable to the City for the difference.

Section 22: FILING OF FINAL PLAT. The subdivider shall, without delay, submit the Final Plat for signatures of other public officials required by law. Approval of the Final Plat shall be null and void if the plat is not recorded within thirty (30) days after the date the last required signature has been obtained, or within 90 days after Council approval.

## PARTITIONING

Section 23: PARTITION PROCEDURE. Prior to creating any new parcel by partitioning, the developer shall complete the following requirements:

1. Contact the Council to review procedures for partitioning, and to determine whether the proposal affects any area in which road improvements are desired, and whether related planning and zoning requirements can be met. If creation of a street is involved, procedures outlined in Sections 24 and 25 of this ordinance shall be completed prior to partitioning.

2. If the proposal can meet planning and zoning requirements, the developer may submit a request to initiate partitioning, along with two sketches of the proposal. If the Council finds the request to be in accord with this ordinance, and other related requirements, preliminary approval shall be given and noted on the sketches along with any conditions of approval. One copy shall be returned to the developer and the other shall be filed with the City Recorder. The developer may complete partitioning requirements upon receipt of signed authorization. The same improvements are required for parcels created by partitioning as for lots created by subdividing. Upon completion of all conditions to the satisfaction of the City, the partitioner shall have the property surveyed, and submit a copy thereof to the City, completing the procedure.

## CREATION OF STREETS AND WAYS

Section 24: CREATION OF STREETS NOT WITHIN A SUBDIVISION.

1. Creation of Streets. The creation of all streets not within a subdivision shall meet the standards for streets within a subdivision. Creation of such streets may be initiated by the Council by resolution or by property owner by request.

2. Any person wishing to create a public or private road or utilize an existing private road for purposes other than agriculture, forestry or mining, shall make written application for consideration by the Council.

3. Application for road approval shall comply with applicable tentative plan and final plat procedures and standards as provided in this ordinance.

4. Once road improvements are completed, or performance agreement and bond or cash guarantee have been approved for such, a right-of-way survey, deed, and a description of the proposed right-of-way shall be submitted to the Council. Deeds shall have the signatures of all owners of property to be dedicated.

5. Upon final approval by the Council, and recording of the survey and deed, partitioning procedures can be initiated as per Section 23.

6. Expiration times for approval to create roads shall be the same as for tentative and final plats.

Section 25: CREATION OF WAYS. A private easement of way providing access to allow the partitioning of land shall be in the form of a street in a subdivision or as provided in Section 27 of these regulations, except that a private easement of way to be established without full compliance with these regulations may be approved by the Council if it is the only reasonable method by which a parcel or parcels may be provided with access. A copy of the proposed document to create the easement shall be submitted to the Council at least 15 days prior to the meeting at which consideration is requested. The document and such information as may be submitted shall be reviewed by the Council and, if assurances of adequate utility access as well as vehicular access is provided, the request may be approved.

## DESIGN STANDARDS

Section 26: PRINCIPLES OF ACCEPTABILITY. Subdivisions and partitions shall conform with any plans of the City, and shall take into consideration any preliminary plans made in anticipation thereof. Subdivisions shall conform with the requirements of State Laws and with the standards established by this ordinance.

Section 27: STREETS.

1. General. The location, width, and grade of streets shall be considered in relation to existing and planned streets, to topographical conditions, to public convenience and safety, and to the proposed use of the land served by the streets. The street system shall assure an adequate traffic circulation system. Intersection angles, grades, tangents, and curves shall be appropriate for the traffic to be carried and to the terrain. Where their location is not shown in a development plan, the arrangement of streets in a subdivision shall either:

   a. Provide for the continuation or appropriate projection of existing principal streets in surrounding areas; or

b. Conform to a plan for the neighborhood approved or adopted by the City Council to meet a particular situation where topographical or other conditions make continuance or conformance to existing streets impractical.

2. Minimum right-of-way. Unless otherwise indicated on the development plan, the width of streets shall not be less than the following:

| Type of Street | Minimum Right-of-Way | Minimum Roadway |
|---|---|---|
| Arterial Street | 80 feet | 44 feet |
| Collector Street | 60 feet | 40 feet |
| Minor Street - continuous | 60 feet | 40 feet |
| Cul-de-sac or minor streets less than 800 feet in continuous length | 50 feet | 36 feet |
| Radius for turn-around at end cul-de-sacs | 45 feet | 30 feet |
| Alleys | 20 feet | 20 feet |

Where existing conditions, particularly the topography or size and shape of land parcels, make it otherwise impractical to provide buildable lots, the City Council may accept a narrower right-of-way than indicated above. If necessary, slope easements may be required.

3. Marginal access. Marginal access rights-of-way or private access easements shall not be less than 10% of street length, and shall be provided with utility easements on each side to provide a 50' combined utility easement and access right-of-way width.

4. Reserve strips. Reserve strips or street plugs controlling the access to streets will not be approved unless they are necessary for the protection of the public welfare or of substantial property rights, and in these cases they may be required. The control and disposal of the land composing such strips or street plugs shall be placed within the jurisdiction of the City under conditions approved by the City Council.

5. Alignment. All streets other than minor streets or cul-de-sacs, as far as practical, shall be in alignment with existing streets by continuations of the center lines thereof.

6. Future extension of streets. Where necessary to give access to or permit satisfactory future subdivision of adjoining land, streets shall be extended to the boundary of the subdivision and the resulting dead-end streets may be required by the Council to be provided with temporary turn-around improvements constructed to Council approved specifications.

7. Reserve strips and street plugs may be required to preserve the objectives of street extensions.

8. Intersection angles. Streets shall be laid out to intersect at an angle as near to a right angle as practical. Right-of-way lines at street intersections shall have a minimum corner radius of 15 feet.

9. Existing Streets. Whenever existing streets adjacent to or within a tract are of inadequate width, additional right-of-way shall be provided at the time of subdivision.

10. Half Streets. Half streets, while generally not acceptable, may be approved where essential to the reasonable development of the subdivision, when in conformity with the other requirements of these regulations, and when the City Council finds it will be practical to require the dedication of the other half of the street, it shall be platted within such tract. Reserve strips and street plugs may be required to preserve the objectives of half streets.

11. Cul-de-sacs. A cul-de-sac shall be as short as practicable and shall have a maximum length of 400 feet. All cul-de-sacs shall terminate in a turn-around.

12. Street Names. No street name may be used which will duplicate or be confused with the names of existing streets. Street names and numbers shall conform to the established pattern in the City, and shall be subject to the approval of the City Council.

Section 28: BLOCKS.

1. General. The length, width and shape of blocks shall take into account the need for adequate lot size and street width and shall recognize the limitations of the topography.

2. Size. No block may be more than 1200 feet in length between street corner lines unless it is adjacent to an arterial street or unless the topography or the location of adjoining streets justifies an exception.

3. Easements.

a. Utility lines. Easements for sewers, water mains, electric lines, or other public utilities shall be dedicated wherever necessary. The easements shall generally be at least twelve (12) feet wide and centered on rear or side lot lines.

b. Water courses. If a subdivision is traversed by a water course such as a drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of the water course, and such further width as will be adequate for the purpose. Streets or parkways parallel to major water courses may be required.

c. Pedestrian Ways. When desirable for public convenience, pedestrian ways may be required to connect cul-de-sacs or to pass through unusually long or oddly shaped blocks. It shall be the responsibility of the developer to install four-foot minimum sidewalks where pedestrian ways are required.

d. Emergency Vehicle Access. When necessary or desirable for public safety, emergency vehicle ways may be required to connect to cul-de-sacs or to pass through unusually long or oddly shaped blocks.

Section 29: LOTS.

1. Size and Shape. Lot size, width, shape and orientation shall be appropriate for the location of the subdivision and for the type of use contemplated. Minimum lot standards shall conform to the City Zoning Ordinance.

2. Access. Each lot shall abut upon a street other than an alley for a minimum width of at least 20 feet.

3. Lot Side Lines. The side lines of lots, as far as practicable, shall run at right angles to the street upon which the lots face.

Section 30: BUILDING LINES. If special building setback lines are to be established in the subdivision, they should be shown on the subdivision plan or included in the deed restrictions.

## IMPROVEMENTS

Section 31: IMPROVEMENT PROCEDURES. In addition to other requirements, improvements installed by the subdivider, either as a requirement of these regulations or at his own option, shall conform to the requirements of this ordinance and improvement standards and specifications approved by the City. The improvements shall be installed in accordance with the following procedure:

1. Work shall not begin until plans have been checked and approved by the City. To the extent necessary for evaluation of the subdivision proposal, the plans may be required before approval of the Final Plat.

2. Work shall not begin until the City has been notified in advance, and if work is discontinued for any reason it shall not resume until the City is notified. Notification shall be given two days in advance of initiating work.

3. Improvements shall be constructed under the inspection and to the satisfaction of the City. The City may require changes in typical sections and details if unusual conditions arising during construction warrant the change in the public interest.

4. All underground utilities, including sanitary sewers and storm drains, installed in streets by the subdivider shall be constructed prior to the surfacing of the streets. Stubs for service connections shall be long enough to avoid disturbing the street improvements when service connections are made.

5. A map showing all public improvements as built shall be filed with the City upon completion of the improvements.

Section 32. IMPROVEMENT REQUIREMENTS. The following improvements shall be extended to existing City improvements or systems, and be installed at the expense of the subdivider:

1. Water Supply. Lots within a subdivision shall be served by a public domestic water supply system conforming to City approved specifications.

2. Sewage. Lots within a subdivision shall be served by a sewage disposal system conforming to the City approved specifications.

3. Drainage. Such grading shall be performed and drainage facilities installed conforming to City approved specifications as is necessary to provide proper drainage within the subdivision and other affected areas in order to assure healthful, convenient conditions for the residents of the subdivision and for the general public. Drainage facilities in the subdivision shall be connected to drainage ways or storm sewers outside the subdivision. Dikes and pumping stations shall be installed if necessary to protect the subdivision against flooding or other inundation.

4. Streets and Sidewalks. The subdivider shall improve streets in the subdivision, and the extension of such streets to the paving line of existing streets with which such streets intersect. Such improvements shall be constructed to specifications approved by the Council. A four-foot sidewalk on each side of the street within the subdivision shall also be constructed. Any or all of these streets and sidewalk improvements may be required on an existing street which abuts the subdivision.

5. Monuments. Upon completion of street improvements, monuments shall be reestablished in monument boxes at every street intersection and points of curvature.

6. No structure shall be occupied on any given block until all of the above improvements have been installed and approved by the City for that section of the street right-of-way which the lots front upon. All blocks in which ltos are to be offered for sale shall adjoin previously improved street rights-of-way.

7. All public utilities such as electricity, telephone and television cable services and other utility or service mains shall be underground.

8. The subdivider shall install street and pedestrian way lights as required by the City.

## EXCEPTIONS, MODIFICATIONS AND ENFORCEMENT

Section 33. EXCEPTIONS IN CASE OF LARGE-SCALE DEVELOPMENT. The City Council may modify the standards and requirements of this ordinance if the subdivision plat comprises a complete neighborhood unit, shopping center, or a planned industrial area. The City Council shall determine that such modifications are not detrimental to the public health, safety, and welfare and that adequate provision is made within the development for traffic circulation, open space, and other features that may be required in the public interest.

Section 34. MODIFICATION APPLICATION. Modifications of the partitioning and subdividing definitions, procedures, and standards can, upon application to the Council be approved to alleviate hardships, providing all of the following conditions can be found to exist.

1. Exceptional or extraordinary circumstances apply to the property which do not apply generally to other properties in the same vicinity, and result from tract size or shape, topography or other circumstances over which the owners of property since enactment of this ordinance have had no control;

2. The modification will be in accord with the purpose of this ordinance;

3. The interests of the public will be preserved and such action(s) will not set a trend; and

4. That the modification will be the minimum needed to alleviate the hardship, and will not result in an undesirable change in area land values or property uses, or be otherwise injurious to other property in the area.

Modification requests shall be considered at a public hearing. In approving a modification, the Council may require such conditions as determined desirable to insure that the purposes of this ordinance will be carried out, and that the uses provided for by the modification(s) will be compatible with surrounding area development.

The Council shall deny application for modification(s) if all of the conditions above are not found to exist.

Section 35. CITY COUNCIL ACTION ON MODIFICATIONS. In granting a modification, the City Council shall make a written record of its findings and shall specifically describe the modification and any conditions which the Council may designate. The City shall keep the findings on file as a matter of public record.

Section 36. APPEAL. Decisions of the Council may be appealed by either the requestor or any aggrieved resident.

1. If new information is to be presented, the Council may hear an appeal of an earlier decision. Written notice of the appeal must be filed within 10 days after the decision or requirement is made. The notice of appeal shall state the nature of the decision or requirement and the grounds for the appeal, and include the new information to be submitted.

2. The City Council shall hold a hearing on the appeal within 30 days from the time the appeal is filed. The City Council may continue the hearing for good cause. Following the hearing the City Council may change or modify their earlier decision if such action complies with the spirit and intent of the ordinance. The disposition of the appeal shall be final unless appealed in Court.

Section 37. AMENDMENTS. An amendment to the text of this ordinance may be initiated by the Council, or by application of a property owner or his authorized agent.

Consideration of an amendment shall be made by the Council at a public hearing. The City Recorder shall maintain a record of amendments to the text of this ordinance in a form convenient for public use.

Section 38. HEARINGS. Any hearing to consider a modification, amendment, or appeal request shall be held only after posting public notice of the hearing at least once weekly for two successive weeks prior to the hearing in a newspaper of general circulation published in the area in which land affected is situated.

Such notice shall indicate the time, place, and purpose of the hearing, and a description of the land to be affected thereby. A hearing may be recessed providing the time and place to reconvene are indicated prior to the recess.

Section 39. FEES. For the purpose of partially defraying the expense involved in investigating matters connected with applications and appeals and the action taken thereon, each activity initiated by property owners or contract purchasers shall be accompanied by a fee in accordance with a Fee Schedule approved by Council Resolution.

Section 40. INTERPRETATION OF ORDINANCE PROVISIONS. The Council shall be responsible for interpreting the provisions of this ordinance.

Section 41: VALIDITY. If any provision of this ordinance shall for any reason be judged invalid or unconstitutional, the judgment shall not affect the validity of the rest of this ordinance.

Section 42. PENALTIES FOR VIOLATION. In addition to penalties

provided by State Law, any person who violates or fails to comply with any provisions of this ordinance, shall, upon conviction thereof, be punished by a fine as provided in ORS Chapter 92.

PASSED AND ADOPTED this 10th day of May, 1977.

ATTEST.

Rodney Elmitoff
Mayor

Ronald D Scoubes
Redorder

Council Members

Michael W Hanson

Betty J Knapp

Melvin Wood

Thomas Grant

Filed and Recorded:

June 14, 1977

This Ordinance shall be in full force and effect July 14,1977, thirty (30) days after filing and recording.